

## REMARKS

Claims 1-3 are pending in this application. Claims 1 and 3 were rejected under 35 U.S.C. 103(a) over Kallio in view of Feder. Claim 2 was rejected under 35 U.S.C. 103(a) over Kallio in view of Feder in further view of Idnani. Claim 1 is currently amended. Reconsideration is respectfully requested.

The presently claimed invention distinguishes the cited combination because the station considers transmission power attenuation in the AP selection procedure. As described in the Specification at page 19, an Announce message from an AP includes a transmission power backoff indicator. By including the backoff indicator in the selection procedure when determining whether an AP could provide better service, a station accommodates transmission power adjustments. The cited combination fails to do this. For example, an alternative AP that was backed down to 25% transmission power might appear to have poor link quality according to the Feder technique, but the presently claimed invention could account for the possibility of the AP increasing its transmission power level in making the selection. In short, the cited combination fails to accommodate dynamically adjusted transmission power levels. Claim 1 therefore distinguishes the cited combination by reciting “periodically attempting to select at least one access point from which an Announce message was received, the selection based at least in-part on an indication that the selected access point will provide better service than the access point with which the station is currently associated, and based at least in-part on the transmission power attenuation” (emphasis added). Claims 2 and 3 are dependent claims which further distinguish the invention, and which are allowable for the same reason as claim 1. Withdrawal of the rejections of claims 1-3 is therefore requested.

The Office also suggests that periodically attempting to select an AP offering better service is taught in Feder at the Abstract, col. 2, lines 59-63, col. 3, lines 6-10, and col. 4, lines 6-11. Applicant respectfully traverses. Each of those passages teaches that a search for better service is triggered by a state change in the AP with which the station is currently associated. In particular, the search is triggered by a change in either the AP load or link quality. The presently claimed invention does not wait for a state change in the current AP, and hence is capable of detecting and selecting an AP offering better service even when no change in state in the current AP is detected. An example of this distinction is as follows: the alternative AP can offer only relatively poor service at time  $t_0$  because of heavy load, but at time  $t_1$  the alternative AP can offer relatively excellent service because it has no load. If the current AP has no load or link quality change, the station of the cited combination would not search for and move to the alternative AP after time  $t_1$ , whereas the presently claimed invention would attempt to do so. In sum, the presently claimed invention further distinguishes the cited combination by considering changes in state of APs other than that with which the station is currently associated.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

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